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REPUBLIC OF ESTONIA

C O N S T I T U T I O N

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REPUBLIC OF ESTONIA

C O N S T I T U T I O N

The Estonian people, with their firm belief and steadfast will to consolidate and develop their own state,

which was created on February 24, 1918, on the basis of the inextinguishable right of the Estonian people to self-determination through statehood,

which is founded on justice, law and liberty,

which is supported by the Constitutions of 1920, 1933 and 1937, approved by the people,

which protects internal and external peace, providing security to present and future generations in their social progress and for their general good,

which shall remain a democratic and peaceful state, ruled by the power of the people, where supreme power is held by the people, and which shall be led by the State Elder, the "Riigikogu" elected by the people, and the appointed Government, in balanced cooperation,

has adopted by Referendum held on 1992 the following Constitution:

CHAPTER 1

General Provisions

Art. 1. Estonia is an independent and sovereign republic wherein the supreme power of the state is held by the people.

Art. 2. The territory of Estonia is an indivisible whole, which is comprised of Harjumaa, including the city of Tallinn, Järvamaa, Läänemaa, Petserimaa, Pärnumaa, Saaremaa, Tartumaa, Valgamaa, Viljandimaa, Virumaa and Võrumaa.

The borders of Estonia have been determined by the Tartu Peace Treaty of February 2, 1920, and other inter-state border treaties.

Art. 3. In Estonia, state power shall be exercised only on the basis of the Constitution and legislation which is in concordance with the Constitution.

Universally recognized norms of international law shall be an indivisible part of the legal system valid in Estonia.

No one can plead ignorance of the law as an excuse.

Art. 4. Estonian citizenship is acquired by birth or by later legal procedure.

Estonian citizens who left Estonia due to its occupation and annexation by the Soviet Union shall retain their Estonian citizenship.

Estonians living outside Estonia shall have the right to become Estonian citizens on request.

Conditions for the granting and forfeiting of citizenship shall be determined by the Law on Citizenship.

Art. 5. Citizens of other states and stateless persons who are permanently resident in Estonia shall enjoy all the same human rights and civil rights as Estonian citizens.

Art. 6. The national language of Estonia is Estonian.

Art. 7. The national colors of Estonia are blue, black and white.

The shape of the national flag and the national coat-of-arms shall be determined by law.

CHAPTER 2

Fundamental Rights, Liberties and Duties

Art. 8. Every person has inalienable human rights. Honoring and protecting these human rights is the responsibility of Estonian state institutions.

The implementation of the fundamental rights listed in the present Chapter of the Constitution shall be obligatory to the legislative, executive and judicial authorities of the Estonian state.

Art. 9. Every person shall have the right to free self-realization, insomuch as he or she does not violate other people's rights, the constitutional order and generally accepted moral norms.

Everyone shall honor, in exercising their rights and liberties and fulfilling their obligations, the rights and liberties of other persons.

Art. 10. All persons are equal before the law, regardless of nationality, race, sex, language, creed, background, profession, political or other persuasion.

Art. 11. Inviolability of the individual shall be guaranteed.

No one shall be deprived of liberty, followed, or restricted in his or her personal freedom, other than in such cases and by such procedures as prescribed by law.

Suspects may not be held in custody for more than forty-eight hours except with a specific court order. This court order shall be communicated to the person held within the following twenty-four hours.

It shall not be permitted to transfer a person against his or her will from the jurisdiction of a court, under which his or her case legally belongs, to the jurisdiction of another court.

Art. 12. No one can be held accountable for a deed that was not declared illegal by a law which was in force prior to the deed being committed.

No one shall be obligated to prove his or her innocence.

No one shall be forced to give testimony against him or herself, or against close family.

Art. 13. No one shall be declared guilty of a crime until a guilty verdict by a court has been delivered against that person.

No penalty shall be permitted to be cruel or demeaning.

Art. 14. The home shall be inviolate.

No one shall be permitted to forcibly enter persons' homes or legally owned property, or to search these, except in those cases prescribed by law.

Art. 15. Everyone shall have freedom of ideas, religion and conscience.

Everyone shall be free to belong to churches and religious associations. There shall be no state church in Estonia.

Everyone shall be free to follow religious practices, unless these endanger public order or morals.

Art. 16. Everyone shall have the right to freely propagate information, and to express his or her opinions in speech, print, correspondence, by pictorial, image or

other methods. This freedom may be restricted by law in the defense of state security, public order, morals, human dignity and honor.

There shall be no censorship in Estonia.

Art. 17. Secrecy of messages and correspondence transmitted by the post, telephone or other methods, shall be guaranteed. Exceptions may be made for the purpose of combatting crime, according to the principles and procedures prescribed by law.

Art. 18. Freedom of association shall not require special permission.

Everyone shall have the right to belong to cultural, academic, professional, political or other non-profit associations and leagues, and to found them.

This right may be restricted by law, in the interest of state security, public order and morals.

Associations or leagues, whose aim is to incorporate Estonia, or any part of it, with Russia, shall be prohibited.

Art. 19. Peaceful and unarmed meetings may be organized without prior permission or announcement.

The right to organize such meetings in the open or in public places may be restricted by law.

Art. 20. Science and the arts, and their instruction, shall operate freely and under the protection of the state.

Scientific institutions and institutes of higher education shall be autonomous, within the limits determined by their constitutions.

Art. 21. The family and marriage shall be under the protection of the state. Spouses shall have equal rights. The law shall protect mothers and children,

The rearing of children and the provision of their education shall be the responsibility of the parents. The state shall support families with many children.

Parents shall have the right to decide on either a secular or religious education for their child, and to select the schools.

Art. 22. Schooling shall be compulsory for school-age children, to the extent determined by law, and shall be free of charge in state and local government general education schools.

The state and local government shall maintain the necessary number of educational institutions. The right shall exist to establish private educational institutions, on the condition that the standard of education and the conditions therein are not lower than in the corresponding state schools.

In general education schools there shall exist the right to religious instruction.

Everyone shall have the right to Estonian-language instruction. Schools established for minorities shall have their own language as their language of instruction.

The entire educational system shall be under the supervision of the state.

Art. 23. Everyone shall be free to decide his or her own ethnic identity.

Minority nationalities shall have the right to cultural autonomy. Relevant procedures and conditions shall be determined by law.

Art. 24. In local government institutions, in whose districts a minority nationality is in the majority, there shall be the right to use the language of the minority as the language of official communication. In contacts with state institutions, as well as with other local government institutions, where the language of official communication is not the same language as that of the national minority, the Estonian language shall be used.

Everyone shall have the right to approach such local government institutions and to be granted answers from them in the Estonian language.

Art. 25. Everyone shall have the right to freely choose his or her profession, field of activity and place of employment, to initiate enterprises, to be involved in areas of economic activity and to join with others, for this purpose, to form economic associations and leagues.

Everyone shall have the right and responsibility to find employment. The state shall assist in the search for employment.

The right to strike in Estonia is guaranteed. The resolution of strikes and work disputes shall be regulated by law.

There shall be no compulsory work.

Art. 26. Property rights shall be guaranteed. Restrictions of such

right shall be determined by law.

Expropriation of property without the consent of the owner may occur only in the public interest and for equitable compensation, in accordance with procedures determined by law. In cases of dispute, the right to appeal to the courts shall be guaranteed.

It shall be the responsibility of the state to guarantee inheritance rights and copyright.

Art. 27. The care of a person requiring assistance shall rest primarily with the members of that person's family.

It shall be the responsibility of the state to organize assistance in cases of old age, inability to work, loss of provider, or in case of want.

Categories and amounts of state support and assistance shall be determined by law.

Art. 28. The supreme responsibility of an Estonian citizen shall be loyalty to the Estonian state and its constitutional system, and to defend Estonia's independence.

Art. 29. Every citizen shall have freedom of movement and freedom of choice of abode. This freedom may be restricted only according to the provisions and procedures prescribed by law.

No citizen may be deported from Estonia.

No citizen may be prevented from returning to Estonia.

Art. 30. Every citizen has the right of access to all documents of interest to him or her in all state and local government institutions.

This right may be restricted by law for the protection of state and defense secrets.

Art. 31. Official positions in state and local government institutions and state enterprises may be held by Estonian citizens.

Citizens of foreign states and stateless persons may be appointed to these positions only in accordance with the law.

Art. 32. Citizens of foreign states and stateless persons residing in Estonia shall be obligated to respect the Estonian constitutional system and to obey Estonian laws.

Art. 33. The rights and duties listed in the present Chapter shall

also be applicable to legal entities formed according to Estonian law, to the extent that these shall regulate possible relationships for them.

Art. 34. In cases where the rights listed in the present Chapter, or universally recognized human rights, are violated or duties are not fulfilled, there shall exist the right to apply to the Legal Chancellor or to the courts.

The basis for a decision by the court shall be the text of the present Chapter of the Constitution.

CHAPTER 3

The People

Art. 35. The supreme power in Estonia shall be held by the people, as represented by the body of citizens with the right to vote.

Art. 36. The people shall exercise their power by:

- 1) participating in referenda;
- 2) electing the Riigikogu;
- 3) electing the representative bodies of local government ("Volikogu")

Art. 37. Every citizen who has reached the age of eighteen shall have the right to vote.

Art. 38. The right to vote shall not be accorded to:

- 1) citizens, who have been declared legally insane;
- 2) citizens, who have been declared incapable by a court.

Art. 39. Citizens who have been declared guilty by a court and who are serving a sentence in a place of detention shall not participate in elections.

Art. 40. Referenda shall only be conducted in cases prescribed by the Constitution.

The organization of a referendum shall be decided by the Riigikogu.

The result of a referendum shall have the power of law when the share of the yes-vote exceeds the share of the no-vote.

Art. 41. The Riigikogu may conduct a public opinion poll, in order to ascertain the opinion of the people on some issue of principle.

The result of a public opinion poll shall not have the power of law, but shall be a guide for state institutions in their work.

CHAPTER 4

The State Elder

Art. 42. The State Elder shall be the Head of State of the Republic of Estonia.

The State Elder shall be the representative of the Estonian state and the bearer of uniform state power.

The supreme duty of the State Elder shall be to guarantee adherence to the Constitution.

Art. 43. The State Elder, in addition to the other duties stipulated by the Constitution, shall:

- 1) appoint, on proposal by the Foreign Ministry and with the approval of the Foreign Relations Sub-committee of the Riigikogu, Estonia's representatives to foreign states;
- 2) receive representatives from foreign states;
- 3) appoint and recall the Prime Minister, the Ministers, the State Secretary, the Legal Chancellor, the State Controller and other high state officials;
- 4) grant state awards and service medals;
- 5) sign foreign treaties;
- 6) grant mercy.

Art. 44. The State Elder shall be elected to hold office for a term of four years. No person shall be permitted to hold the office of State Elder for more than two terms.

OPTION 1.

Art. 45. The State Elder shall be elected by the majority of the legal complement of the Riigikogu.

Art. 46. Every Estonian citizen, who has reached the age of forty years and who has lived in Estonia for the previous three years, may be a candidate for State Elder. The right to present a candidate shall rest with one-fifth of the members of the Riigikogu.

OPTION 2.

Art. 45. The State Elder shall be elected by the majority of the legal complement of the Electoral Body, which is comprised of members appointed by the members of the Riigikogu and by the representative bodies of the first level of local government. The more detailed formation of the Electoral Body shall be determined by law.

Art. 46. Every Estonian citizen, who has reached the age of forty years and who has lived in Estonia for the previous three years, may be a candidate for State Elder. The right to present a candidate shall rest with one-fifth of the members of the Electoral Body.

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Art. 47. Should the office of the State Elder become prematurely vacant, or should he or she be unable to continue fulfilling the duties of office, due to state of health or other reasons, the duties shall be temporarily transferred to the Chairman of the Riigikogu (Speaker), who shall without delay declare elections for a new State Elder to be held within thirty days.

Art. 48. The State Elder may not simultaneously be a member of the Riigikogu or hold any other public office, nor belong to the leadership of a profit-making enterprise during his or her term of office.

Should a member of the Riigikogu be elected State Elder, an alternate member shall replace him or her, if such an alternate member exists.

Art. 49. During his or her term in office, the State Elder may have court proceedings initiated against him or her only for crimes involving the intentional violation of the Constitution and laws in accordance with the Constitution.

The right to initiate such accusations shall rest with one-third of the legal complement of the Riigikogu, on proposal by the Legal Chancellor, and for the adoption of the resolution, two-thirds majority of the legal complement of the Riigikogu shall be required.

After such accusations have been presented, the State Elder shall temporarily resign, until the court has made its decision.

The question of guilt of the State Elder shall be decided by the National Court.

CHAPTER 5

The Riigikogu

Art. 50. The Riigikogu shall execute legislative power in Estonia.
*** where is Art. 51?? ***

Art. 52. The Riigikogu shall comprise one hundred members, who shall be elected in general, uniform, direct and secret elections for a three year term. The authority of the

Riigikogu shall commence on the day the results of the election are announced and shall cease when the results of the election of the new Riigikogu are announced.

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OPTION 1.

Art. 53. The Riigikogu shall be elected by political parties and citizens' leagues, according to legally presented lists on the principle of proportionality.

Art. 54. Every citizen with the right to vote may be a candidate for the Riigikogu.

Art. 55. Should a member of the Riigikogu die, or be unable, due to illness or other reasons, to work in the Riigikogu for an extended period, then the candidate next on the list to which the member belonged shall take the member's seat in the Riigikogu, if this list includes a candidate who was not elected. Otherwise, the member's seat in the Riigikogu shall remain vacant.

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OPTION 2.

Art. 53. Fifty members of the Riigikogu shall be elected by political parties and citizens' leagues, according to legally presented all-Estonia lists on the principle of proportionality.

The remaining fifty members of the Riigikogu shall be elected on an individual basis in electoral districts with multiple mandates.

A candidate for individual election must declare whether he or she is a candidate supported by a political party or citizens' league which has presented an all-Estonia list, or an independent candidate.

Art. 54. Every citizen with the right to vote may be a candidate for the Riigikogu.

Every candidate may simultaneously be a candidate in one individual electoral district and also on one list. A candidate who is elected in an individual electoral district shall be removed from the corresponding all-Estonia candidate list.

Art. 55. Should a member of the Riigikogu die, or be unable, due to illness or other reasons, to work in the Riigikogu for an extended period, then, if he or she was not an independent candidate during the Riigikogu elections, he or she shall be replaced in the Riigikogu by the next candidate on that all-Estonia list to which the member belonged or which supported the member, if the list includes a candidate who was not elected. Otherwise, the member's seat in the Riigikogu remains vacant.

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Art. 56. A member of the Riigikogu shall not be held responsible for political statements made in the Riigikogu. A member of the Riigikogu may be criminally charged only on proposal by the Legal Chancellor, on the basis of a resolution adopted by a two-thirds majority of the legal complement of the Riigikogu.

A member of the Riigikogu may be arrested only if caught in the process of carrying out a crime. The Chairman of the Riigikogu must be informed of this within twenty-four hours, and shall then present the issue of the member's detention for resolution at the next session of the Riigikogu.

If a guilty verdict by a court comes into force against a member of the Riigikogu, the majority of the legal complement of the Riigikogu shall decide on the termination of the member's authority. The Riigikogu has the right to postpone the implementation of the sentence against its member until the Riigikogu is in recess or until the termination of the authority of the Riigikogu.

Art. 57. A member of the Riigikogu shall not be permitted to hold any other public office, nor to receive payment or gifts from a profit-making enterprise, or hold a leading position in such an enterprise.

On taking office, members of the Riigikogu shall present a report to the Riigikogu of all assets and other property (shares, etc.) belonging to them, according to the procedures of the Riigikogu.

Art. 58. Members of the Riigikogu shall be released from the armed services for the duration of their term.

Art. 59. The new complement of the Riigikogu shall be convened for its first session by the State Elder no later than ten days after the announcement of the results of the Riigikogu elections.

Art. 60. The Riigikogu shall work according to the law on Riigikogu procedures.

The Riigikogu shall elect the Chairman of the Riigikogu and the Deputy Chairman, who shall direct the work of the Riigikogu.

The Riigikogu shall have a quorum when one-quarter of its legal complement is present.

The Riigikogu shall form permanent and temporary sub-committees. The Riigikogu shall have the right to form investigative committees.

Riigikogu sessions shall be public. On resolution by the majority of the members present it shall be possible to prohibit radio and television transmissions. In extraordinary circumstances, if at least two-thirds of the members present approve, the Riigikogu may declare its session to be closed.

Voting in the Riigikogu shall be public, except in such special cases which are specified in the Riigikogu procedures.

Art. 61. On demand by the State Elder, the Chairman of the Riigikogu or one-quarter of its members, the Riigikogu shall convene for an extraordinary session within forty-eight hours.

Art. 62. One-fifth of the members of the Riigikogu shall have the right to present a written enquiry to the Government or specific ministers and other high government officials.

The enquiry must be answered with an explanation within thirty days.

CHAPTER 6

The Government

Art. 63. The Government shall exercise executive power and shall command the property of the state.

For this purpose, the Government shall:

- 1) implement the policies of the state by directing government institutions;
- 2) organize the implementation of the state budget;
- 3) issue ordinances and regulations in concordance with the law;
- 4) decide on other issues which have been placed under its jurisdiction by law.

Art. 64. The Government shall comprise the Prime Minister and other Ministers, who must have the support of the Riigikogu.

On the resignation of the Prime Minister, the entire Government shall leave office.

At the first session of the new complement of the Riigikogu, the previous Prime Minister shall tender his or her resignation.

Art. 65. The State Elder shall present to the Riigikogu the new candidate for Prime Minister within seven days after the Prime Minister tendered his or her resignation, or a vote

of no-confidence in the Prime Minister has been adopted in the Riigikogu.

If the candidate for Prime Minister does not receive the support of the majority of the legal complement of the Riigikogu, the State Elder shall present a new candidate to the Riigikogu within seven days. If the candidate for Prime Minister does not receive the support of the Riigikogu this time, then the State Elder shall either present the next candidate, or shall declare, after seven days, early elections for a new complement of the Riigikogu, which must take place within ninety days.

The State Elder shall not have the right to declare early elections for the Riigikogu, if the Riigikogu, within the seven days referred to in the previous paragraph, elects a candidate for Prime Minister with the majority of its legal complement. The State Elder shall be obligated to appoint this candidate as Prime Minister.

Art. 66. The Prime Minister, who has received the support of the Riigikogu, shall present to the State Elder the list of ministers within two weeks. The State Elder shall appoint the individual Ministers within three days or shall present to the Prime Minister the reason for the rejection.

Art. 67. The Riigikogu shall have the right to express no-confidence in either the Prime Minister or in individual Ministers, with the majority of its legal complement. The Minister in whom no-confidence has been expressed, shall resign. In the case of no-confidence being expressed in the Prime Minister, the entire Government shall resign.

The Government shall have the right to tie a draft law, which has been presented to the Riigikogu, with the issue of no-confidence.

Art. 68. The State Elder shall have the right to obligate the Prime Minister or a Minister to continue fulfilling his or her duties until the new Minister is sworn into office, or to appoint a temporary replacement for the Minister.

Art. 69. The Prime Minister or Minister, who is a member of the Riigikogu, shall resign as a member of the Riigikogu for the duration of holding office as a Minister.

A member of the Riigikogu who has been appointed Prime Minister or Minister, shall temporarily resign as a member of the Riigikogu. In his or her place, a alternate member shall become a member of the Riigikogu, according to the procedures in Article 55.

Art. 70. A State Chancellery shall be attached to the Government. The Chancellery shall be headed by the State Secretary.

The State Secretary shall be appointed and recalled by the State Elder, with the approval of the Riigikogu.

Art. 71. The Prime Minister and Ministers shall have the right to participate and provide explanations in the sessions of the Riigikogu and in the sub-committees of the Riigikogu.

Art. 72. Government sessions shall be closed, unless the Government decides otherwise.

The Government shall make its decisions on proposal submitted by the appropriate Minister, by a simple majority.

The resolutions and ordinances by the Government must be signed by the Prime Minister, the appropriate Minister and the State Secretary.

The State Elder shall have the right to participate in sessions of the Government.

Art. 73. The Prime Minister or a Minister may be criminally charged only on proposal by the Legal Chancellor, and supported by a resolution by a majority of two-thirds of the Riigikogu. On the adoption of such a resolution, the State Elder shall discharge the Minister.

CHAPTER 7

Legislation

Art. 74. The right to initiate legislation shall rest with all members of the Riigikogu or the Government.

Art. 75. Legislation adopted by the Riigikogu shall come into force after signature by the State Elder.

The State Elder must sign a law adopted by the Riigikogu within one week of its adoption by the Riigikogu, or return the law to the Riigikogu together with the reasons for its rejection.

If the State Elder does not sign the law or return the law to the Riigikogu, the legislation shall come into force without his or her signature.

The State Elder shall be permitted to refuse to sign a law only in the case where the adopted law is not in accordance with the Constitution or with other laws.

If the Riigikogu adopts a law which has been returned by the State Elder, without amendments, by a majority of two-thirds, the State Elder shall no right to refuse to sign it.

Art. 76. If a law, or a resolution on the proclamation of a law, does not specify other procedures or time, the law shall come into force ten days after its publication in the "Riigi Teataja".

Art. 77. The Riigikogu shall have the right to put draft legislation to referendum and to conduct public opinion polls.

Legislation, by which changes in Estonia's state borders result in reduction of territory, may only be adopted by referendum.

Art. 78. If the Riigikogu is physically prevented from convening, the State Elder, the Chairman of the Riigikogu and the Prime Minister shall jointly have the right to issue laws. The detailed procedures for such special authority shall be stipulated by law.

Legislation enacted according to the first paragraph of the present Article shall remain in force until the Riigikogu convenes and approves them. If the Riigikogu does not approve or amend such a law within fifteen days of its convening, the law shall cease to be in force.

CHAPTER 8

Finance and the State Budget

Art. 79. The sole right to issue currency in Estonia shall rest with the Bank of Estonia.

The Bank of Estonia shall direct banking in Estonia in accordance with the law, and shall organize currency circulation.

The Director of the Bank of Estonia shall be appointed and recalled by the State Elder, on proposal by the Riigikogu.

The Bank of Estonia shall report on its activities to the Riigikogu.

Art. 80. State property shall be commanded by, and the privatization of state property carried out by, the Department of State Assets, headed by a Minister of the Government.

- Art. 81. The Government shall prepare a draft state budget, and shall present it to the Riigikogu for adoption no later than seventy days before the commencement of the budget year.
- Art. 82. If the Riigikogu does not adopt the state budget within seventy days of the presentation of its draft to the Riigikogu, the State Elder shall decree the release of funds for the amount of monthly expenditures of up to one-twelfth of the expenditures of the previous budget year.
- Art. 83. Draft legislation and proposed amendments to the state budget, which require the inclusion of new expenditures in the accounts of state income and expenditure, or the reduction or elimination of state income, must be accompanied by the necessary financial calculations, prepared by the initiators, which indicate the appropriate sources of income to pay for the proposed expenditures.
- Art. 84. The State Elder shall be obligated to declare elections for a new Riigikogu, if the Riigikogu has not adopted the budget within one-hundred-and-fifty days from the time the draft budget was presented to the Riigikogu.

CHAPTER 9

Foreign Treaties

- Art. 85. Foreign treaties shall be concluded by the Government.
- The ratification of a foreign treaty shall require approval by the Riigikogu and the signature of the State Elder.
- Art. 86. Treaties which modify Estonia's state borders and result in a reduction of territory may only be ratified according to the procedures stipulated in the second paragraph of Article 77.
- Art. 87. Foreign treaties may be annulled only on proposal by the Riigikogu, the State Elder or the Legal Chancellor.

CHAPTER 10

National Defense

- Art. 88. All Estonian citizens shall be obligated to participate in national defense.
- Citizens who, for religious or moral reasons, refuse

service in the armed forces, shall perform community service, in accordance with the conditions prescribed by law.

Art. 89. The national defense of Estonia shall comprise the Defense Forces and the Defense League (Kaitseliit).

Their organization shall be stipulated by law.

Art. 90. The Defense Forces shall be commanded by the Commander-in-Chief of the Defense Forces.

The Commander-in-Chief of the Defense Forces shall be appointed and recalled by the State Elder, on proposal by the Riigikogu.

Art. 91. Defense personnel in active service shall not be permitted to participate in the activities of political organizations, or be members of the Riigikogu or a local government Volikogu, or be elected or appointed to other political offices or positions.

Art. 92. The Riigikogu shall decide on the declaration of a state of war, mobilization and de-mobilization, as well as the utilization of the defense forces to fulfil the international obligations of the Estonian nation.

In case of military attack, the State Elder may declare a state of war and mobilization, on proposal by the Government, without waiting for a decision by the Riigikogu.

Art. 93. In case of imminent danger of military attack, the Riigikogu may declare a state of emergency in the whole country, but for no longer than ninety days.

The organization of a state of emergency shall be stipulated by law.

Art. 94. During a state of war, or a state of emergency, elections to the Riigikogu may not be held, nor shall the authority of the Riigikogu be terminated.

The authority of the State Elder, the Riigikogu and the local government representative bodies shall be extended, if they would have ended during a state of emergency or state of war. In this case new elections shall be held within ninety days of the end of a state of emergency or state of war.

CHAPTER 11

State Control

Art. 95. State Control shall control state assets, the economic activity of state institutions and enterprises, the implementation of the state budget, as well as the economic activity of such enterprises where the majority of the shares belongs to the state.

The organization and bases of activity of the State Control, as well as cooperation with local government institutions shall be stipulated by law.

Art. 96. State Control shall be headed by the State Controller, who shall be appointed by the State Elder from amongst the candidates proposed by the Riigikogu.

The State Controller shall be recalled by the State Elder, on proposal by the Legal Chancellor or as proposed by the Riigikogu with the majority of its legal complement.

Art. 97. State Control shall be independent in conducting its activities.

The State Controller shall report on the implementation of control and its results to the State Elder and the Riigikogu.

On discovery of infringement of the law or waste of state assets, the State Controller shall be obligated to inform the Legal Chancellor or the courts.

Art. 98. The State Controller shall have the right to participate in sessions of the Government and the right to speak on issues related to his or her duties. The State Controller shall have all the rights, prescribed by law to Ministers, in matters relating to the execution of his or her authority.

The State Controller may be brought to court on the same principles as for ministers.

CHAPTER 12

The Legal Chancellor

Art. 99. The Legal Chancellor shall supervise the observance of laws and the realization of the rights and duties of citizens.

The Legal Chancellor shall have his or her own department, and shall operate according to the appropriate laws.

Art. 100. In cases specified by Articles 49, 56, 73 and 98 of the

Constitution, the Legal Chancellor shall propose to the Riigikogu that prosecution procedures be initiated against members of the Riigikogu, the Prime Minister, ministers, the State Controller and the State Elder.

Art. 101. If the Legal Chancellor considers that a law or resolution adopted by the Riigikogu, an decree or regulation by the Government or local government, or any other public legal act, is not in conformity with the Constitution and other laws, the Legal Chancellor shall be obligated to demand that the act be brought into conformity with the Constitution and the laws.

The institution or official who has been presented with such a demand by the Legal Chancellor may not refuse to review it, and shall be obligated to make a decision within thirty days and to inform the Legal Chancellor of the decision.

If the recipient of the demand does not respond to the Legal Chancellor within the specified time period, or if the response does not satisfy the Legal Chancellor, the Legal Chancellor shall be obligated to demand that the court declare the act null and void.

Art. 102. Every person shall have the right to apply to the Legal Chancellor in case of violation, or the prevention of the realization, of constitutional or other legal rights.

The Legal Chancellor or his or her representatives shall be obligated to present an application to the courts on every occasion when they have found a law to have been infringed.

Art. 103. The Legal Chancellor shall have the right to participate in sessions of the Government, and in sessions of the Riigikogu and its sub-committees.

The Legal Chancellor shall have all the rights of a Minister, as prescribed by law, in the supervision of his or her office.

The Legal Chancellor shall present an annual report to the Riigikogu and the State Elder.

Art. 104. The Legal Chancellor shall be appointed by the State Elder, from amongst the candidates recommended by the Riigikogu and approved by the National Court.

The Legal Chancellor shall be appointed for life, but for no longer than his or her seventieth birthday.

The Legal Chancellor shall be recalled by the State Elder, if a guilty verdict against him or her by the

National Court comes into effect.

CHAPTER 13

The Courts

Art. 105. Judicial authority shall be executed by the activity of independent courts, which are subordinate only to the law.

Art. 106. Justice shall be administered on the first level by precinct and district courts, on the second level by district courts and the Court of Appeal, and on the third level by the National Court.

The second level courts shall be appeals courts.

The National Court shall also be an appeals court, and is the court for constitutional supervision.

The creation of special courts to handle special cases or subjects shall be determined by law.

The detailed organization of the court system shall be prescribed by court legislation.

Art. 107. The creation of emergency courts shall be prohibited.

Art. 108. Preliminary investigations shall be carried out by court investigators.

Art. 109. Public prosecutors work with the courts, and shall lay charges on behalf of the state.

Art. 110. Supervision of the activity of the courts shall be carried out by the higher level courts and the Ministry of Justice.

Art. 111. Judges shall be appointed by the State Elder from amongst the candidates presented by the National Court.

National Court judges shall be appointed by the State Elder from amongst the candidates presented by the Riigikogu Judiciary Sub-committee.

Art. 112. Judges shall be appointed for life.

National Court judges shall be relieved of their duties on becoming seventy years of age, and other judges on becoming sixty-five years of age, whereas the latter age limit may be raised by law to seventy years in specific types of courts.

In cases of continuing inability to work, National Court judges and other judges shall be relieved of their duties in accordance with appropriate laws.

Art. 113. Judges may be dismissed or transferred from one location to another without their consent only by a court decision.

The initiation of court procedures against judges for crimes committed in the course of their service, and procedures for discussions of the issues, shall be stipulated by law.

Art. 114. Judges shall not be permitted to hold salaried office or hold leading positions in profit-making enterprises, except in cases stipulated by law.

Art. 115. Courts may not refuse to discuss complaints about the implementation of state power according to constitutional legality.

The court must declare a law or decision by a government body to be null and void, if it is in contradiction to the Constitution.

Art. 116. Courts in areas where a national minority is in the majority shall have the right to use the language of the national minority, when all participants in the procedure are in agreement.

All participants in the procedure shall have the right to demand translation into their native language or into another language, of which they have a reasonable command.

Procedures for the use of foreign languages in courts shall be stipulated by law.

CHAPTER 14

Local Government

Art. 117. Local issues shall be resolved and organized by local government.

Art. 118. The units of local governments shall be districts, townships and cities.

In Tallinn, the first level of the local government unit shall be the city district.

In fulfilling their duties, local governments shall act independently and according to law. State institutions

and state officials shall not be permitted to assign tasks to local governments, to dictate to, nor to restrict the authority of local governments, except in the cases stipulated by law.

The relationship between state institutions and local government institutions, and the supervision of the activity of local government institutions shall be stipulated by law.

- Art. 119. The representative body of local government shall be the Volikogu, which shall be elected for a period of three years in a general, direct, uniform and secret election,
OPTION 1: on the principle of proportionality,
OPTION 2: on the principle of the election of the individual, in multiple-mandate electoral districts.

Electoral procedures shall be determined by law.

- Art. 120. In the election of the local government Volikogu all persons permanently living or working on the territory of that local government unit, who are at least eighteen years of age, shall have the right to vote.

- Art. 121. Local Volikogus shall have the right, within the limits of their sphere of activity, to make decisions and to implement taxes and impose fees in order to carry out their duties.

- Art. 122. The local Volikogu shall have local executive power: with the district government headed by the district elder, the township government by the township elder and the city government by the mayor.

The district, township and city shall have independent budgets, which are approved by the Volikogu. The law shall institute the allocation of tax from state revenues to local budgets.

- Art. 123. Amendments to the borders of local government units without the consent of the Volikogu shall not be permitted.

- Art. 124. Local government institutions, in whose area a national minority is in the majority, shall have the right to use as the language of official communication the language of the national minority. In contact with state institutions and other local government institutions, where the language of official communication is not the same as the language of the national minority, the Estonian language shall be used.

Every person shall have the right to approach such local government institutions and to receive responses in the

Estonian language.

Art. 125. Second level local government shall be the counties and the city of Tallinn.

The representative body of the county local government shall be the county Volikogu, which is constituted for four year terms, the members of which shall be appointed by the Volikogus of the districts, townships and cities in the county.

The representative body of local government in Tallinn shall be the city Volikogu, which is constituted according to the procedures described in the previous paragraph.

The county Volikogu shall have the executive power in the county - with the county elder heading the county government.

The county budget shall be based on funds allocated by the first level local government units in the county, as well as amounts from the state budget.

The detailed organization of the second level local government shall be determined by law.

CHAPTER 15

Amendments to the Constitution

Art. 126. The right to initiate amendments to the Constitution shall rest with the State Elder and the majority of the legal complement of the Riigikogu.

The Constitution may not be amended during a state of war or emergency.

Art. 127. Amendments to those provisions in the Constitution which determine the system of government in Estonia, the borders of the Republic of Estonia, the national language, universally and internationally recognized human and citizens' rights, the authority of the Riigikogu, national defense, the state budget, the ratification of foreign treaties, the legal safeguards and the procedures for amendments to the Constitution, including Articles 1-15, 21, 26-28, 32, 34-37, 40, 42, 44, 50-51, 61, 67-68, 77, 85-86, 88, 91, 94, 105, 107, 126-130 in the Constitution, may only be adopted by referendum.

Laws amending these Articles of the Constitution may be put to referendum no earlier than six months after the Riigikogu has adopted the draft law to amend the

Constitution by a majority of its legal complement.
Art. 128. An amendment to the Constitution, which contains specifications which do not change the spirit and idea of the Constitution, may be adopted by a five-sixth majority of the legal complement of the Riigikogu.

In order to make such amendments, the State Elder, the Legal Chancellor and the National Court must present their judgement. The amendment may be adopted by the Riigikogu by a five-sixth majority of its legal complement.

Art. 129. The law amending the Constitution shall be proclaimed by the State Elder and it shall come into force not earlier than three months after the adoption of the amendment.

Art. 130. Draft amendments to the Constitution which have been rejected by referendum or by the Riigikogu, or other similar drafts, shall not be permitted to be put to a new referendum or for adoption in the Riigikogu within one year of having been rejected.

September 30, 1991

Jüri Adams